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**IN THE  
COURT OF APPEALS OF INDIANA**

PAUL GOSSAGE,

Appellant-Defendant,

VS.

STATE OF INDIANA,

Appellee-Plaintiff.

APPEAL FROM THE MARION SUPERIOR COURT  
The Honorable Marc Rothenberg, Commissioner  
Cause No. 49F13-0604-CM-76474

**October 22, 2007**

**MEMORANDUM DECISION - NOT FOR PUBLICATION**

**MAY, Judge**

Paul Gossage appeals his conviction of criminal recklessness, a Class A misdemeanor.<sup>1</sup> Finding the evidence was sufficient, we affirm.<sup>2</sup>

When reviewing the sufficiency of the evidence, we neither reweigh the evidence nor reassess the credibility of the witnesses. *Rohr v. State*, 866 N.E.2d 242, 248 (Ind. 2007), *reh'g denied*. If the evidence most favorable to the judgment, and the reasonable inferences therefrom, were such that a reasonable fact-finder could have found the defendant guilty beyond a reasonable doubt, we must affirm. *Id.*

Gossage was convicted of criminal recklessness with a car. Criminal recklessness occurs when a person “recklessly, knowingly, or intentionally performs . . . an act that creates a substantial risk of bodily injury to another person.” Ind. Code § 35-42-2-2(b). We must reject Gossage’s request that we reassess the credibility of the witnesses and consider the evidence favorable to him in order to find the evidence insufficient.

Sheriff’s Deputy Timothy Clark testified he was turning into the parking lot of a Ramada Inn, when he noticed a “green speeding van” that “about struck” him, and he “had to accelerate to move out of the way to avoid being struck.” (Tr. at 6.) Deputy Clark, who was trained to estimate speeds, estimated Gossage’s speed was 45 or 55 miles per hour. Deputy Clark also testified he was in fear of being injured when the van was approaching him. Accepting Deputy Clark’s version of the incident, as the trial court was

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<sup>1</sup> Ind. Code § 35-42-2-2.

<sup>2</sup> The State notes: “None of the record materials contain either a motion or permission for a belated notice [of appeal].” (Appellee’s Br. at 2.) On February 2, 2007, the trial court granted Gossage’s motion to file a belated notice of appeal. Accordingly, we have jurisdiction and address Gossage’s argument on the merits.

entitled to do, the evidence was sufficient to prove Gossage committed criminal recklessness.

Affirmed.

DARDEN, J., and CRONE, J., concur.